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09/23/03

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	2032.2.1	Total Pages	22
First Inventor : James L. Freeby and Alex Boyter			
Title: Device for Protecting an Object from Encroaching Elements			
Express Mail Label No.	ER211528213US		

PTO 744 U.S. PTO  
10/668800

09/23/03

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form  
(Submit an original, and a duplicate for fee processing)
2. ☒ Applicant Claims Small Entity Status
3. ☒ Specification (Total Pages) 14  
(Preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross References to Related Application
  - Statement Regarding Fed sponsored R & D
  - Reference to Microfiche Appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 USC 113) (Total Pages) 6
5. Oath or Declaration (Total Pages) 2
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation /divisional with Box 17 completed)  
[Note Box 5 below]
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

**Assistant Commissioner for Patents**

**ADDRESS TO:** Mail Stop Patent Application  
P.O. Box 1450  
Alexandria, VA 22313-1450

7. ☐ CD-Rom or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ Paper
  - c. ☐ Statement verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
if foreign priority is claimed
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2) (B) (i).  
Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Express Mail Certificate

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:
**19. CORRESPONDENCE ADDRESS**
☒ Customer Number or Bar Code Label 36491  
☐ Or Correspondence address below

NAME	Kunzler & Associates				
ADDRESS	10 West 100 South, Suite 450				
CITY	Salt Lake City	STATE	Utah	ZIP	84101
COUNTRY	United States	TELEPHONE	(801) 994-4646	FAX	(801) 531-1929

Name: David J. McKenzie

Registration No. (Attorney/Agent): 46,919

Signature: Date: 9/23/03

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Approved for use through 9/30/03. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<h2 style="margin: 0;">FEE TRANSMITTAL</h2> <p style="font-size: small; margin-top: 10px;">Note: Effective October 1, 2001. Patent fees are subject to annual revision.</p>	<b>Complete If Known</b>		
	Application Number	Not yet assigned	
	Filing Date	September 23, 2003	
	First Named Inventor	James L. Freeby	
	Group Art Unit		
	Examiner Name		
TOTAL AMOUNT OF PAYMENT	\$ 375	Attorney Docket Number	2032.2.1

METHOD OF PAYMENT (check one)	FEE CALCULATION (continued)																																																																																																																																																																																		
<p>1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account No.: _____</p> <p>Deposit Account Name: _____</p> <p>Charge Any Additional <input type="checkbox"/> Fee Required Under 37 CFR 1.16 and 1.17 Allowance</p> <p>Charge the Issue Fee <input type="checkbox"/> In 37 CFR at the Mailing of the Notice of</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed:</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> Check    <input type="checkbox"/> Money Order    <input type="checkbox"/> Other</p>	<h3 style="margin: 0;">3. ADDITIONAL FEES</h3> <table style="width: 100%; font-size: small;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2520</td><td>1812</td><td>2520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1840*</td><td>1805</td><td>1840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>410</td><td>2252</td><td>205</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>930</td><td>2253</td><td>465</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1450</td><td>2254</td><td>725</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>1970</td><td>2255</td><td>985</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>320</td><td>2401</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>320</td><td>2402</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>280</td><td>2403</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1510</td><td>1451</td><td>1510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive -unavoidably</td><td></td></tr> <tr><td>1453</td><td>1300</td><td>2453</td><td>650</td><td>Petition to revive - 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SUBMITTED BY				Complete (if applicable)	
Typed or Printed Name	David J. McKenzie			Reg. Number	46,919
Signature		Date	Sep 23, 2003	Deposit Account User ID	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231.

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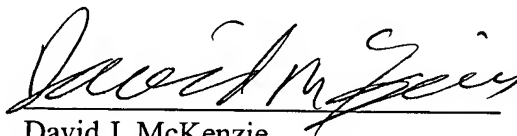
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"Express Mail" Mailing Label No.: ER211528213US

Date of Deposit: September 23, 2003

I hereby certify that this patent application in the name of James L Freeby and Alex Boyter for  
DEVICE FOR PROTECTING AN OBJECT FROM ENCROACHING ELEMENTS, together with  
the drawings, a Declaration, Power of Attorney, and Petition, Information Disclosure Statement, PTO  
Form 1449, ~~Copies of Cited References~~, and Check No. \_1615\_ for \$375 are being deposited with  
the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §  
1.10 on the date indicated above in an envelope addressed to Mail Stop Patent Application,  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,



David J. McKenzie  
Reg. No. 46,919  
Attorney for Applicant

Date: September 23, 2003

Kunzler & Associates P.C.  
10 West 100 South, Suite 450  
Salt Lake City, Utah 84101  
Telephone: 801/994-4646